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March 11, 2024

By Electronic Filing

Judge Rukhsanah L. Singh
United States District Court District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Room 2020
Trenton, NJ 08608

Re: *John Doe v. Princeton University*, Case No. 3:20-cv-04352-MAS-RLS

Dear Judge Singh:

The undersigned, as counsel for the respective parties in this action, submit this letter setting forth the status of discovery pursuant to the Court's January 10, 2024 Order (Dkt. No. 146).

On October 26, 2023, Doe appealed Your Honor's October 11, 2023 order denying Doe's motion to compel production of the source documents, consisting of sensitive disciplinary records of other students, underlying the comprehensive Title IX chart it produced in response to Doe's interrogatories and request for a protective order and granting Princeton's cross-application to compel discovery relating to Doe's medical history and HIPAA consent forms. (The "Discovery Appeal") (Dkt. No. 130). That appeal remains *sub judice*. Should the District Court confirm Your Honor's grant of Princeton's discovery motion, limited third party discovery will ensue, and should the District reverse Your Honor's denial of Doe's motion to compel, limited party discovery will ensue. Relatedly, Princeton deposed Doe on November 16, 2023, although Princeton held the deposition open pending the Court's resolution of Doe's appeal.

With respect to other discovery, Doe was evaluated by Princeton's vocational and medical experts, on February 22 and 23, respectively. Also, Doe has deposed three Princeton employees. The parties have set a date for Doe's deposition of Princeton's corporate representative and are negotiating dates for his depositions of two additional Princeton witnesses. Doe has informed Princeton that he will hold open the depositions of its two final witnesses pending Judge Shipp's resolution of the Discovery Appeal because it is possible that Judge Shipp will order additional disclosure that contains relevant information for the witnesses' depositions. Princeton objects to this request to hold open the

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depositions as Princeton produced a comprehensive chart of other Title IX investigations involving students and Doe is free to question witnesses about that chart. Princeton will not produce these two witnesses under this condition but intends to meet and confer with Doe on this issue, which Doe just raised today. Doe requests a teleconference with the Court to address the issue of Princeton withholding its witnesses.

In light of the foregoing, the parties propose that a brief extension of the current discovery schedule is necessary. The parties have therefore attached a proposed order setting forth the joint proposed schedule for fact and expert discovery. It may be necessary, depending on the timing and outcome of the Discovery Appeal, for the parties to request an additional discovery extension.

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